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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 BRIAN K. JOHNSON,

11 Plaintiff,

12 v.

13 ELDON VAIL, *et al.*,

14 Defendants.

Case No. C08-5654FDB

ORDER DENYING PLAINTIFF'S
MOTION FOR AN EXTENSION
OF TIME

15 This case has been referred to Magistrate Judge J. Kelley Arnold pursuant to 28 U.S.C. §
16 636(b)(1)(B). This matter comes before the court upon plaintiff's motion asking the court to strike
17 defendants appearance and sanctions (Doc. 17). After reviewing plaintiff's motion, the pleadings made in
18 support thereof, and the remaining record, the court finds and orders as follows.

19 (1) Plaintiff's motion is based on the erroneous belief that the U.S. Marshal served the Complaint in
20 this matter immediately after the Court issued its order directing service. Plaintiff's motion was filed or
21 submitted on the same date as this court issued a report and recommendation on Plaintiff's motion for
22 default, in which the undersigned explained that the matter had not been sent or served by mail on or about
23 January 14, 2009. For this reason and the same reasons specified in the report and recommendation to deny
24 the motion for default, Plaintiff's current motion (Doc. 17) is DENIED as being moot.

25 (3) The clerk is directed to send copies of this Order to plaintiff and defendants' counsel.

26 Dated this 17th day of February, 2009

27 /s/ J. Kelley Arnold
28 J. Kelley Arnold
United States Magistrate Judge